

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:06CV53-H**

GAY P. MILLER,

Plaintiff,

**HMS HOST FAMILY RESTAURANTS,
INC.,**

Defendant.

ORDER

THIS MATTER is before the Court following receipt of a letter from Mr. Wayne P. Huckel dated October 24, 2006, appointed mediator in this matter, requesting an extension of the mediation deadline. For the reasons stated in the letter, the undersigned amends the Order for Mediated Settlement Conference (document #10) as follows:

IT IS THEREFORE ORDERED:

1. The required settlement conference shall commence **on or before January 31, 2007**. Thereafter, the parties shall be diligent and responsive in seeking to bring the mediation to a prompt and mutually beneficial conclusion. Provided, however, upon agreement of counsel, the mediation may be continued from time to time until the end of the discovery period.
2. Except as amended, the Pretrial Order and Case Management Plan filed April 25, 2006 (document #7) remains in full force and effect.
3. The Clerk of Court is directed to send a copy of this Order to counsel for the parties and to Mr. Huckel.

SO ORDERED.

Signed: October 25, 2006

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

